

# DIOCESAN NEWS

## Jury recommends award in Cayuga claim case

By Kathleen Schwarz  
Assistant Editor

A federal jury recommended Feb. 17 that the Cayuga Nation of New York be awarded \$36.9 million in compensation for 64,015 acres of land in Seneca and Cayuga counties the Cayugas once owned. Sale of the acreage to New York State more than 200 years ago has been the subject of litigation for 20 years. Yet this latest court action reportedly satisfies neither side.

The award is much lower than the \$350 million in damages the Cayugas sought along with return of the land. And the recommendation does not end years of uncertainty for owners of some 7,000 properties around Cayuga Lake. A nonjury trial will be conducted to set actual reparations, and appeals are almost certain.

"There's no closure to this thing," said Lucille Cook, a parishioner and staff member at St. Patrick's Parish in Seneca Falls. She also is a member of the Cayuga-Seneca chapter of Upstate Citizens for Equality (UCE), a landowner group.

Cook pointed out that U.S. District Judge Neal McCurn has yet to hold a nonjury trial to name the actual settlement.

"He didn't say he couldn't reward land," she noted. "Nobody knows what he is go-

ing to do till he's done it. Can he come back and say they should be given \$100 million and 100,000 acres of land? He can do that."

The court case has unsettled Cook and other residents throughout its long history. Among the decisions rendered by the courts have been rulings that the Cayugas do have a legal claim, that it is possible for them to sue the state, and that the current landowners may not be evicted.

The Cayugas claim that the state's land purchases from them in 1795 and 1807 were illegal because they were not ratified by the federal government as was required by a federal act of 1790. The Cayuga Nation of New York has some 450 members, according to Clint Halftown of Gowanda, a Cayuga Nation representative. Out of the six nations of the Iroquois Confederacy, his is the only one without land, he previously has noted. Halftown could not be reached for comment following the jury's recommendation, and the Cayugas' attorney did not return the *Courier's* phone call.

The federal jury, which met in Syracuse, heard testimony on the land's value, amounting to \$51 million according to the state's appraiser in contrast to \$335 million according to a federal appraiser. The U.S. government had taken the Cayugas'

side in the lawsuit.

"We are pleased with the verdict," said Mel Russo, co-chairman of UCE's 6,800-member Cayuga-Seneca Chapter. "We're still not completely satisfied until we go to the Supreme Court and get the written rulings by Judge McCurn overturned," he added, maintaining, for example, that 1926 international arbitration found the treaties between the state and Cayugas to be valid.

UCE has hired attorney Peter Gass of Lodi to review the case files in hopes of encouraging Seneca and Cayuga counties to appeal. Gass planned to address the Seneca County Board Feb. 29.

"We are hoping the counties will appeal the ruling and the state will appeal because four other cases are coming down the pike here," Russo said. The Cayuga case is the first land-claim case in New York to reach the damages stage in court; others have reached out-of-court settlements, according to Halftown. Attempts so far to negotiate this case through a federally appointed mediator have failed.

The unknowns of how Cayugas would settle any land they may acquire causes concern among UCE members. Sovereignty allows Native Americans to govern themselves on their lands the government recognizes.

"They shouldn't be able to come in here and disrupt life as we know it after 200 years of absence, disrupt it with their sovereignty," Russo said.

Polly Cirulli, who followed the trial closely, said she was glad the reward was "on the low side" because it would send a message to tribes pursuing other land claims in New York.

"I do and many of the people I know welcome any of the Cayugas to the area," said Cirulli, a member of St. Patrick's Parish. She added that she and her husband, William, retired to the area from Elmira-Corning partly because of its diversity of people.

"I like the fact of the diversity of the area and only hope any of my neighbors have same rights and responsibilities the rest of us have; that includes taxes," she said.

Fellow St. Patrick's parishioner John Kelly, whose property is also part of the disputed acreage, found the settlement to be reasonable.

"I think it's a reasonable settlement. I think they said they could have gone up to \$51 million and that would not even have been excessive," he said.

Kelly added that "there was a lot of good that came out of this. First of all, this group got together, UCE, (and) united a lot of people."

UCE members and other people joined in a Jan. 3 prayer vigil for peace at St. Patrick's.

Among the prayer petitions that night were that people be open to whatever happened, and that the Cayuga Nation members receive justice, he said.

## Mass to honor Daughters of Charity

By Mike Latona  
Staff Writer

Bishop Matthew H. Clark will celebrate a Mass of appreciation for the Daughters of Charity on Sunday, March 5. The celebration will take place at 3 p.m. at St. Monica's Church, 831 Genesee St., Rochester.

The community is invited to attend the Mass and a reception that will follow.

Jack Balinsky, diocesan director of Catholic Charities who is also diocesan health-care coordinator, said the Mass will honor the Daughters' "142 years of commitment to the Rochester community."

The Daughters of Charity began serving the Rochester Diocese when the order founded St. Mary's Hospital in 1857. That affiliation ended this past December when Ascension Health — which includes the former Daughters of Charity National Health System — announced that it was withdrawing from Unity Health System. At that time, officials from both Ascension and Unity said the withdrawal was largely due to the heavy debt that had mounted since Unity was formed in 1997. Unity is an alliance of St. Mary's and Greece's Park Ridge hospitals.

Sister Louise Gallahue, DC, provincial superior for the Daughters of Charity of St. Vincent de Paul in Albany, said that Sister Betsy MacKinnon, DC, vice-president of mission services, will vacate her position as of March 5. She is the only remaining Daughter of Charity still working for Unity.

Sister Gallahue added that Sister MacKinnon and two other Daughters of Charity still reside in Rochester but will move in early March. Sister MacKinnon, along with Sister Marie Burns, DC, Unity Health's former chairperson, will return to the provincial house in Albany as they await reassignment. And Sister Mary Madeleine Drennan, DC, a former volunteer for Unity, will move to St. Vincent's Residence in Bridgeport, Conn.

Sisters MacKinnon, Burns and Drennan were among the seven Daughters of Charity still working for Unity when Ascension announced its departure. The other four women religious have already left Rochester. They are:

Sister Ann Paul Chenard, DC, who formerly worked in spiritual care. She now serves in that capacity at Sisters of Charity Hospital in Buffalo.

Sister Geraldine Coleman, DC, archivist. She now resides St. Louise House in Albany.

Sister Catherine Marie McGranary, DC, reception-desk volunteer. She, also, lives at St. Louise House.

Sister Arthur Marie Donnelly, DC, spiritual care worker. She now provides spiritual care at Good Samaritan Regional Medical Center in Pottsville, Pa.

Sister Gallahue said that she plans to be at the March 5 Mass, and that all the Daughters of Charity with ties to St. Mary's have been encouraged to attend.



Andrea Dixon/Staff photographer

## Patience, please

From left, second-graders Deserae Davidson, Michael DeCenzo and Karen Farrell watch another student as they await their turn at the 100 Days Celebration on Feb. 15 at St. John the Evangelist School in Greece. Each grade did a "hundred-second skit" to celebrate the 100th day of school during Catholic Schools Week.

## Obituary

### Fr. Robert B. Hale, CSB; was Christ the King pastor

Father Robert B. Hale, CSB, former pastor of Irondequoit's Christ the King Parish died Wednesday, Feb. 16, 2000. Father Hale, 62, had been hospitalized after a heart attack, and died in a Windsor, Ontario, hospital.

A "meat and potatoes priest," is how his friend Father Joseph Trovato, CSB, described him. "He really stressed the basics of ministry as a priest — mainly being with people, especially when they were sick, when they were grieving the death of a loved one, being with people who were dying," he explained.

"Because of this the people really loved him, he touched their lives at important moments," Father Trovato said from Christ the King, where he is parochial vicar.

Father Hale served as associate pastor of Christ the King, 1982-83, and returned as pastor from 1988 to 1998. During a 1998-

99 sabbatical he often continued to serve at the church. In July 1999 he became pastor at St. John the Baptist Church in Amherstburg, near Windsor.

A native of Kitchener, Ontario, he found his vocation later in life, having earned a degree in business administration and worked in business before taking vows as a Basilian in 1965 and being ordained Dec. 12, 1970, in Toronto. As pastor of St. Basil's Church, downtown Toronto, 1975-82, he became good friends with actors who lodged nearby while working in the city. He officiated at the late John Candy's wedding, and assisted at his funeral.

Father Hale was most supportive of Christ the King School and religious education, and loved the schoolchildren, according to Father Norman Tanck, CSB, Christ the King's current pastor.

"What he really liked doing was riding

around at night with the police, in Irondequoit and the city, two or three times a week," Father Tanck added. "He saw it as a ministry to the police. A number of police would seek him out for counsel." Father Hale accompanied police officers when they had to notify people of family members deaths, for example.

He was predeceased by his parents and a sister. He is survived by two nephews and two nieces.

A busload of Christ the King parishioners, plus numerous carloads, drove to Toronto for his funeral Mass Feb. 19 at St. Basil's. Deacon Michael Piehler, who was in the Basilian novitiate with Father Hale, gave the eulogy at the Mass and the homily at a vigil service.

A memorial Mass is scheduled for 11 a.m. Saturday, Feb. 26, at Christ the King.

—Kathleen Schwarz

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